

LW3605B: ADMINISTRATIVE LAW

Effective Term

Semester B 2023/24

Part I Course Overview

Course Title

Administrative Law

Subject Code

LW - Law

Course Number

3605B

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

B1, B2, B3, B4 - Bachelor's Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

LW3605A Constitutional Law

Precursors

Nil

Equivalent Courses

LW2100 Constitutional & Administrative Law (LLB) (The semester B part of the old curriculum)

LW2100A Constitutional & Administrative Law (AMLLB) (The semester B part of the old curriculum)

LW3605 Constitutional & Administrative Law (LLB) (The semester B part)

LW3605B Constitutional and Administrative Law II (from old curriculum)

Exclusive Courses

Nil

Part II Course Details

Abstract

- To examine the concepts of administrative law and judicial review and its application into Hong Kong; and
- To provide an understanding how administrative law and judicial review applies to the hot legal issues in relation to the Basic Law.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Understand the nature of administrative powers, administrative processes, administrative law and judicial review	25	x	x	
2	Explain the law of Hong Kong on established grounds of judicial review (including illegality, irrationality and procedural impropriety), apply such law in hypothetical scenarios, critically evaluate such law, and assess the desirability of judicial recognition of new grounds of review (e.g. proportionality)	25	x	x	x
3	Examine the impact of judicial review on administrative practices and processes and ascertain the relationship between judicial review and good governance	25	x	x	
4	Critically analyse the court's reasoning and approach in administrative law cases; and explain and evaluate the legal procedures for challenging administrative actions	25	x	x	x

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

Teaching and Learning Activities (TLAs)

	TLAs	Brief Description	CILO No.	Hours/week (if applicable)
1	Tutorial presentation and /or debate Develop self-confidence in application of legal principles, advocacy skills and public speaking. Foster students' growth through development of greater intellectual and interpersonal maturity		1, 2, 3, 4	1 hour /week
2	Lecture		1, 2, 3, 4	2 hours/ week

Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Continuous Assessment: Performance in inter-active small group sessions: 20% Tutorial participation (15%); Class participation (5%) Confidence building and students' maturity.	1, 2, 3, 4	20	

Continuous Assessment (%)

20

Examination (%)

80

Examination Duration (Hours)

3

Additional Information for ATs

The use of Generative AI tools is not allowed.

Grading of Student Achievement:

To pass this course students must obtain an aggregate mark of 40% and a minimum of 30% in each of the coursework and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

The portion of the overall mark allocated to performance/participation in inter-active in class activities will be assessed on the quality of the participation. Assessment criteria for those activities, their nature and their timing will be set out in the study guide/course manual and will be further expanded upon by the course leader.

To enable the full benefit to be obtained from this course, students should attend all of the classes and activities.

Assessment will be formative to enable students to demonstrate their capacity to understand, analyse and apply rules and principles and summative to assess ability to synthesise primary and secondary material to solve novel problems.

Assessment Rubrics (AR)

Assessment Task

1. Tutorial performance (Confidence building and students' maturity)

Criterion

presentation
accuracy
time management
precise and the point

Excellent (A+, A, A-)

Impressive

Good (B+, B, B-)

Very satisfactory

Fair (C+, C, C-)

Ordinary

Marginal (D)

Manage to present fundamental concepts only

Failure (F)

Fail to understand the subject

Assessment Task

2. Examination

Criterion

presentation
accuracy
time management
precise and the point

Excellent (A+, A, A-)

Impressive

Good (B+, B, B-)

Very satisfactory

Fair (C+, C, C-)

Ordinary

Marginal (D)

Manage to present fundamental concepts only

Failure (F)

Fail to understand the subject

Part III Other Information

Keyword Syllabus

- Purpose of Administrative Law & Nature of Judicial Review (historical development of Judicial Review)
- Application for Judicial Review I (applicants (standing rules), interested parties, and procedures for judicial review)
- Application for Judicial Review II (public-private divide)
- Illegality I (excess of power; improper purpose; relevant and irrelevant considerations)
- Illegality II (fettering of discretion; wrongful delegation; error of law & jurisdiction; error of fact)
- Procedural Impropriety (fair hearing)
- Procedural Impropriety (rule against bias) and Procedural Legitimate Expectation
- Irrationality
- Proportionality
- Human Rights and Judicial Review
- Substantive Legitimate Expectation
- Overview and Revision

Reading List

Compulsory Readings

Title	
1	Halsbury's Laws of Hong Kong, Chapter 226 Vol 34 (1) – Judicial Review, Lexis Nexis, 2nd edn 2021
2	Swati Jhaveri, Michael Ramsden, Anne Scully-Hil, Hong Kong Administrative Law, Lexis Nexis, December 2009

Additional Readings

Title	
1	www.lexisnexis.com/
2	www.legco.gov.hk/english/index.htm
3	www.legislation.gov.hk/eng/home.htm